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March 21, 2025

Via ECF

The Honorable Sidney H. Stein
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Menendez, et al.*, 23 Cr. 490 (SHS)

Dear Judge Stein,

We write to update the Court regarding the status of Mr. Daibes's designation by the Bureau of Prisons ("BOP"). On March 17, 2025, we moved the Court for a delay of Mr. Daibes's surrender and informed the Court that he had yet to be designated by the BOP. *See* ECF No. 792. Today we were informed by the BOP that Mr. Daibes has been designated to the prison camp at FCI Fairton, in southern New Jersey.

We still respectfully request that the Court adjourn his surrender date by at least 45 days. Although he has been designated, he has still been subpoenaed to testify by Ms. Menendez in her trial currently proceeding before the Court. Therefore, if he is required to surrender before he is called to testify he will be required to be transported from FCI Fairton for his testimony and likely be held at that Metropolitan Detention Center ("MDC") in Brooklyn, where he would be housed in the Special Housing Unit ("SHU" or "Solitary Confinement") for an indeterminate amount of time before and possibly after his testimony. At sentencing the Court stated that "if he hasn't been designated to the place where he is going to spend the 84 months by [April 4, 2025], the parties can come to me and get an extension. I don't want him at the MDC." Sentencing Transcript at Page 32. We now find ourselves in a similar situation that the Court was looking to avoid. Mr. Daibes has no intention of flouting a subpoena to testify, and as such, would likely be required to spend some time in Solitary Confinement at the MDC to comply with the subpoena.

Accordingly, we renew our request that the Court adjourn Mr. Daibes's surrender for at least 45 days.

Respectfully submitted,

/s/

César de Castro
Shannon McManus
Valerie Gotlib
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Counsel for Fred Daibes

cc: All Counsel (*via* ECF)